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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,958	12/21/2001	Travis Robert Taylor	LAM2P238.CIP	6071

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EXAMINER

ROSE, ROBERT A

ART UNIT PAPER NUMBER

3723

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,958	TAYLOR ET AL.	
	Examiner	Art Unit	
	Robert Rose	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed August 13, 2004 has been entered. An action on the merits of claims 1-22 follows.

2. Claims 1-22 are presented for examination.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al(US 5916012). Note that the structure of Pant et al would meet the limitation of an outer set of pressure sub regions located outside the circumference of the wafer, provided the wafer is appropriately sized. Although the trend is toward the manufacture of increasingly larger wafers for greater yield, it is known in the past to make wafers of diameter smaller than disclosed in Pant et al. To use the device of Pant et al in combination with prior art wafers of smaller size would have been at most an obvious matter of design choice. Such choice of wafer size would naturally lead to some of the pressure subregions of the platen being located outside of the wafer circumference, and would inherently allow the pad upper surface to be altered. Pant et al discloses at column 5, lines 4-6 that the circular section(30) containing the holes can be larger than the wafer if desired. Note column 9, lines 1-6 of Pant et al that the dispensing fluid may either be a liquid or a gas.

5. Claims 10-15 are allowed.

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6. Applicant's arguments filed January 5, 2004 have been fully considered but they are not persuasive. The system of Pant et al does not require a specific wafer diameter and appears fully useable with wafers of various sizes. While the industry trend is toward the manufacture of increasingly larger wafers for greater yield, it is known in the past to make wafers of diameter smaller than disclosed in Pant et al. Such choice of wafer size would naturally lead to some of the pressure subregions of the platen being located outside of the wafer circumference. To use the device of Pant et al in combination with prior art wafers of smaller size would have been at most an obvious matter of design choice. The claimed inner and outer set of pressure subregions are indistinguishable from those disclosed in Pant et al without associating them with a particular sized wafer. However various sized wafers are available in the prior art, and would be capable of being polished by the apparatus of Pant et al. Thus, the apparatus claims are deemed obvious over Pant et al. Claims 10-15, directed to the method of use of the apparatus, have been given favorable consideration.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

September 17, 2004.


ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323